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APPLICATION NUMBER	FILING OR 371 (c) DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
10/644,745	08/21/2003	Hideki Tanaka	07553.0044

Finnegan, Henderson, Farabow,
Garrett & Dunner, L.L.P.
1300 I Street, N.W.
Washington, DC 20005-3315

RECEIVED

NOV 21 2003

Finnegan, Henderson, Farabow,
Garrett & Dunner, L.L.P.

CONFIRMATION NO. 6213

FORMALITIES LETTER



OC000000011304677*

Date Mailed: 11/19/2003

NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

FILED UNDER 37 CFR 1.53(b)

*Filing Date Granted*Items Required To Avoid Abandonment:

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given TWO MONTHS from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- o The oath or declaration is missing.
A properly signed oath or declaration in compliance with 37 CFR 1.63, identifying the application by the above Application Number and Filing Date, is required.
- o To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(e) of \$65 for a small entity in compliance with 37 CFR 1.27, must be submitted with the missing items identified in this letter.

SUMMARY OF FEES DUE:

Total additional fee(s) required for this application is \$65 for a Small Entity

- o \$65 Late oath or declaration Surcharge.

Replies should be mailed to: Mail Stop Missing Parts
Commissioner for Patents
P.O. Box 1450

Docketed 11/21/3 Attorney met/cus
Case 07553.0044
Due Date 11/19/4 Extends 1 Dec 2004
Action File By JP

12/17/2003 JBALINAN 00000089 10644754
01 FC:1051 130.00 OP

1/1/04

Adjustment date: 03/30/2006 CKHLOK
12/17/2003 JBALINAN 00000089 10644754
01 FC:1051 -130.00 copy of this notice MUST be returned with the reply.

03/30/2006 CKHLOK 00000001 10644745

01 FC:1051 130.00 OP

PATENT
Customer No. 22,852
Attorney Docket No. 07553.0044

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:)
)
)
Hideki TANAKA) Group Art Unit: 2878
)
Application No.: 10/644,745)
) Examiner:
Filed: August 21, 2003)
)
For: PLASMA LEAK MONITORING)
METHOD, PLASMA
PROCESSING APPARATUS
AND PLASMA PROCESSING
METHOD)
)

Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

PETITION TO WITHDRAW THE HOLDING OF ABANDONMENT

UNDER 37 CFR § 1.181(a)

The undersigned received a Notice of Abandonment Under 37 CFR 1.53 (f) or (g) dated October 28, 2004, for the above-identified application. The notice indicates that this application is abandoned for failure to timely or properly reply to the Notice to File Missing Parts mailed on November 19, 2003, and further indicates, No reply was received.

On December 15, 2003, Applicant submitted a timely reply to the Notice to File Missing Parts, as evidenced by the attached copy of the Missing Parts reply, together with a copy of the executed declaration, and date-stamped receipt post card.

Upon review of the Response to Notice to File Missing Parts, it was noted that the serial number for the above-identified application in the heading of the transmittal letter was inadvertently transposed as 10/644,754 and should have been 10/644,745. However, as can be seen from the attached, the correct serial number was set forth in the accompanying Notice to File Missing Parts as well as in the body of the Response and in Applicant's return postcard submitted with the Response. The Notice also included the confirmation No. 6213 for this application.

MPEP § 502 states, "...a minor error in the identification of the application can be corrected by the >Office< provided the correct identification can be quickly discovered. Examples of minor errors are transposed numbers,... The Office often experiences difficulty in matching incoming papers with the application file to which they pertain because insufficient or erroneous information is given. Frequently, there are errors in the application number..."

Furthermore, MPEP § 503 states, "The confirmation number in combination with the application number, is used to verify the accuracy of the application number placed on correspondence filed with the Office to avoid misidentification of an application due to a transposition error in the application number."

In view of the foregoing, it is submitted this case was merely an inadvertant, minor error in the identification of the application and should not have resulted in the abandonment of the application. For the convenience of the Office, also enclosed is a copy of the executed Declaration, submitted with the response to the Notice to File Missing Parts for the above-identified application, as printed from public PAIR for serial number 10/644,754, date-stamped December 15, 2003, by OPIE,

Accordingly, applicant hereby petitions for this application to be withdrawn from abandonment, with no loss of potential patent term adjustment, because the Response to the Notice to File Missing Parts filed December 15, 2003, was timely filed, and because the Office could have determined from the papers filed the correct serial number for the application.

It is believed that no petition fee is necessary. However, if there are any fees due in connection with the filing of this petition, including any fees required for an extension of time under 37 CFR § 1.136, such an extension is requested, and the Commissioner is authorized to charge any related fees to our Deposit Account No. 06-0916.

Respectfully submitted,

FINNEGAN, HENDERSON, FARABOW,
GARRETT & DUNNER, L.L.P.

Dated: December 6, 2004

By:



David W. Hill
Reg. No. 28,220